

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 24, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Ray Stevens, Lancaster County Board of Commissioners Chair, announced that the Board of Equalization meeting would be heard prior to the regular County Board meeting.

The Board of Equalization meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 17, 2004.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated February 17, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 69 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Schorr moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Workman requested that the motor vehicle tax exemption for Bethlehem Covenant Church be heard separately.

**Bethlehem Covenant Church
Christ's Place Church
Family Service Association of Lincoln
First Evangelical Covenant Church
St. Elizabeth Regional Medical Center
Transfiguration, Inc. (2 exemptions)
Villa Marie School**

MOTION: Hudkins moved and Schorr seconded to take action on Bethlehem Covenant Church separately. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Stevens noted that Workman has a conflict of interest because he is the Board Chairman of the Bethlehem Covenant Church.

MOTION: Schorr moved and Heier seconded approval of a motor vehicle tax exemption for Bethlehem Covenant Church. Hudkins, Heier, Schorr and Stevens voted aye. Workman abstained from voting. Motion carried.

MOTION: Workman moved and Hudkins seconded approval of motor vehicle tax exemptions for Christ's Place Church, Family Service Association of Lincoln, First Evangelical Covenant Church, St. Elizabeth Regional Medical Center, Transfiguration, Inc. and Villa Marie School. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 1:35 p.m.. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 24, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:35 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 17, 2004.**

MOTION: Heier moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated February 17, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

- A. **The County-City Volunteer of the Month Award was presented to the Volunteer Reception Staff at the Lincoln-Lancaster County Health Department.**
- B. **The Commissioners Award of Excellence Honorable Mention Annual Winners were presented to Kim Folsom, District Court Bailiff, and to Scott Waters, Corrections Department.**
- C. **The Commissioners Award of Excellence Annual Winner for 2003 was presented to Vicki Jedlicka with the Cooperative Extension Office.**

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS:** Approval of all claims processed through Tuesday, February 24, 2004.

MOTION: Heier moved and Workman seconded approval of all claims processed through February 24, 2004. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

(Heier exited the hearing room at 1:51 p.m..)

5) **PUBLIC HEARINGS:**

A. County Final Plat 03075, Wyndam Place 1st Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of two lots on property generally located at North 176th and Holdrege Streets (Knotting Drive and North 179th Street) in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The Clerk administered the oath to Brian Carstens, appearing on behalf of Bernie and Connie Heier.

Carstens stated the plat reconfigures a lot line between two existing lots.

In response to a question asked by Hudkins, Carstens stated there were no structures located on either lot.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested New Business Item 6A be moved forward on the agenda.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Final Plat 03075, Wyndam Place 1st Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of two lots on property generally located at North 176th and Holdrege Streets (Knotting Drive and North 179th Street) in Lancaster County, Nebraska. (R-04-0019)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of Resolution 04-0019 in the matter of County Final Plat 03075, Wyndam Place 1st Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of two lots on property generally located at North 176th and Holdrege Streets (Knotting Drive and North 179th Street) in Lancaster County, Nebraska. Hudkins, Workman, Schorr and Stevens voted aye. Heier was absent from voting. Motion carried.

(Heier entered the hearing room at 1:55 p.m..)

RETURNING TO PUBLIC HEARINGS:

B. County Special Permit 205, requested by Dr. David Samani, for authority to construct and operate a recreational facility for an off-road riding club, on property generally located at the northwest corner of Southwest 84th Street and Kolbrook Road in Lancaster County, Nebraska.

The Chair opened the public hearing.

MOTION: Schorr moved and Hudkins seconded to limit public testimony to three minutes per person. Heier, Hudkins, Schorr and Stevens voted aye. Workman voted no. Motion carried.

The Clerk administered the oath to Dr. David Samani, applicant.

Dr. Samani presented the application indicating he purchased the land on July 21, 2003 in order to make it into a motocross park. He stated he wanted to make it a friends and family type environment where children and families could ride motorcycles and participate in sports and events with BMX bicycles.

Dr. Samani stated he has visited with the opposition and discussed the following concessions he would be willing to make:

- ▶ Limiting the number of motorcycles operating at any one time to 15
- ▶ Limiting the number of races to four to eight per year
- ▶ Intermittent use of the track
- ▶ Limiting the hours of operation
- ▶ No permanent changes to the land, such as, no installation of permanent lighting, repair shops
- ▶ No use of gasoline or petroleum storage tanks

5) **PUBLIC HEARINGS CONTINUED:**

- ▶ Development of a plan regarding storm water drainage which is on file with the Natural Resources District (NRD) and the State of Nebraska
- ▶ Purchase of a water truck to reduce the dust level
- ▶ No riding on public roads
- ▶ Re-seed area with prairie grass
- ▶ Soil conservation measures to be implemented
- ▶ No hunting
- ▶ Removal of all barb wire and other obstacles for the protection of the participants
- ▶ Provide a one-year advance schedule to the Audubon Society, with closure of the track on days when the Society has teaching sessions/classes
- ▶ Ambulance on-site
- ▶ Medical kit at the track
- ▶ No food services
- ▶ Responsible for litter on Kolbrook Road
- ▶ Assist the County with maintenance of Kolbrook Road should there be increased wear and tear

Dr. Samani stated he would continue operating the track as a friends and family operation even if the special permit were to be denied. If approved, he said, the special permit would allow some control by the County, as well as law enforcement.

Dr. Samani added that potential racing planned at the track would be one American Motorcycle Association (AMA) race per year and club racing which would take place between the track in Friend, Nebraska, as well as the track in Ashland and possibly Seward. The number of days the track would be in operation would be approximately 72 days per year including club days and race days.

In response to a question asked by Workman regarding insurance, Dr. Samani stated the track, public spectators and the riders would be covered by McNaughton Insurance. Each individual racer and public spectator, he said, would be insured for up to \$1,000,000. He stated the track is currently covered through Union Agency.

Workman asked about a purchase agreement with Larry Woods.

Dr. Samani stated he does have an intent to purchase agreement for the home and the real property.

5) **PUBLIC HEARINGS CONTINUED:**

Offered and marked for the record was a petition consisting of approximately 500 signatures supporting the creation and operation of a motocross track and off road park (Exhibit 1).

Mark Hunzeker, attorney representing Dr. Samani, appeared and briefly discussed the following areas relating to a proposed new condition number one (Exhibit 2):

- ▶ Restrict operation of track to three days a week - two weekdays from 1 p.m. to 7 p.m.; Saturdays from 12 p.m. to 6 p.m.
- ▶ Bicycles would be allowed on Monday, Wednesday and Friday or other days when the track is closed to motorcycles

Hunzeker suggested that the following language be added to the end of Item 1b: "except on scheduled race days".

Hunzeker addressed noise levels noting that testing was conducted by the Health Department on several occasions. He stated in terms of real noise, the track would not create a noise disturbance of any magnitude. Hunzeker stated they have developed a list of restrictions on the operation of the facility to ensure that the track doesn't exceed reasonable noise limitations. He said they have offered to limit the noise levels within a 300 foot distance of any occupied dwelling, whether now existing or later built, to 50 decibels. Hunzeker stated they also offered not to exceed a 78 decibel limit at the property line.

Rich Thorson, Lincoln-Lancaster County Health Department, appeared and explained that the procedure used for testing noise levels is to take ten, 60 second readings using a calibrated meter which performs the averaging or Leq function. He said they then do calculations on the ten readings to determine an average Leq. Thorson stated testing was conducted on January 1st when there were approximately 10 to 15 motorcycle riders on the site. Racing was simulated to take a baseline reading. At that time, a reading of around 39 decibels was taken approximately one-half mile from the simulated racing activity. Thorson said other readings produced a decibel level of approximately 30, however, they were taken after a large snowstorm and there was very little traffic.

The Clerk administered the oath to each of the following individuals appearing in support of County Special Permit 205:

- ▶ Terry Bruce, R.R. 1, Walton, Nebraska
- ▶ Richard Coupe, Malcolm, Nebraska
- ▶ Dan Thorne, 2521 South 77th Place (Submitted documentation regarding sound levels for off-road motorcycles - Exhibit 3)

5) **PUBLIC HEARINGS CONTINUED:**

- ▶ Don Showen, 3331 North 68th Street
- ▶ Robert Kay, owner of Star City Motor Sports
- ▶ Ron Kubalek, Raymond, Nebraska
- ▶ Eric Moore, Denton, Nebraska
- ▶ Terry Ernisse, 8241 South 1st Street
- ▶ Vern Goodwin, Davey, Nebraska
- ▶ Robert Haney, 601 Village Drive
- ▶ Diane Moore, Denton, Nebraska
- ▶ Jim Jackson, Roca, Nebraska
- ▶ Randy Wolf(sp)
- ▶ Rich Kriese (sp)
- ▶ Ted Glaser, 4220 South 51st Street
- ▶ Jack Lighting
- ▶ Ken Palmer
- ▶ Diane Hughes
- ▶ Ken Lyle
- ▶ Nick Ross
- ▶ Kevin Miller
- ▶ Dennis Bennett (sp)

The Clerk administered the oath to each of the following individuals who appeared in opposition and who addressed concerns regarding noise levels, dust, emergency vehicle response time, increased traffic, air pollution, disturbance of livestock and wildlife and decreased property values:

- ▶ David Cochran, 9500 Southwest 84th Street
- ▶ Gary Steer, 110110 Yankee Hill Road
- ▶ Carol Ducey, 105 Southwest 70th Street
- ▶ Ryan Renz, 8200 West Mountain Ash Drive (Submitted a site map and a petition in opposition - Exhibit 4)
- ▶ Martha Hall, 8301 West Mountain Ash Drive
- ▶ Pam Zilly, 8800 Southwest 81st Court
- ▶ Laura Clement, 9600 Southwest 98th Street
- ▶ Reverend Charles Van Vliet
- ▶ Ron Hall, 8301 West Mountain Ash Drive
- ▶ Mary Pipher, an Audubon Society member
- ▶ Cindy Cochran, 9500 Southwest 84th Street
- ▶ Terry Clement, 9600 Southwest 98th Street
- ▶ Mary Winter-Mild (Submitted documentation regarding alternative location criteria and map - Exhibit 5)
- ▶ Mike Rosburg, 7600 West Saltillo Road
- ▶ Kent Seacrest, attorney representing 103 landowners in opposition (Submitted documentation regarding Lincoln Municipal Code Section 27.63.570 - Exhibit 6)
- ▶ Dave Sands, representing Nebraska Land Trust
- ▶ Corinne Kolm

5) **PUBLIC HEARINGS CONTINUED:**

- ▶ Arnold Mendenhall, Habitat Manager at Audubon Spring Creek Prairie
- ▶ Chris Summerit
- ▶ Marian Langan, Director of the Audubon Spring Creek Prairie (Submitted petition in opposition with approximately 300 signatures - Exhibit 7)
- ▶ David Murphy, 1845 E Street (Submitted written testimony and map - Exhibit 8)
- ▶ Don Helmuth, Vice President of the National Audubon Society
- ▶ Tim Knott, Wachiska Audubon Society
- ▶ Garrett Clement

The Chair asked if anyone else wished to testify in favor or opposition to the special permit.

No one appeared.

Hunzeker suggested to the Board that there is an option remaining which could possibly be a compromise. He stated that the County Board could choose to issue the permit on an annual, renewable basis.

The Chair closed the public hearing.

In response to a question asked by Stevens, Kristy Mundt, Deputy County Attorney, stated individuals may file a complaint with Building and Safety regarding a violation. She explained that after Building and Safety has completed their investigation and made a determination, the complaint would then be submitted to the County Attorney's Office. At that point, the County Attorney's Office has two options:

- ▶ Criminal prosecution for the violation of a zoning ordinance
- ▶ Injunctive Relief

Stevens asked under what conditions a special permit could be revoked.

Mike DeKalb, Planning Department, responded that a special permit could be revoked if the condition(s) established were violated. He stated he didn't believe the County Board had ever revoked one, however, there may have been occasions when the applicant(s) have been warned that they need to comply with the set conditions.

Extensive discussion took place regarding an annual renewable permit.

MOTION: Workman moved and Hudkins seconded approval of County Special Permit 205 for a one-year period and include an automatic sunset provision stating that the permit ends on February 24, 2005.

5) **PUBLIC HEARINGS CONTINUED:**

Schorr asked Workman if he was referring to the Proposed New Condition No. 1 (Exhibit 2) as submitted by the applicant's attorney.

Workman responded yes, with the conditions as provided by the applicant's attorney.

Stevens stated he wasn't comfortable supporting the motion until individuals are allowed the opportunity to review the proposed conditions. He stated the County Board could direct the County Attorney's Office to prepare a resolution incorporating some of the new conditions which could become an amendable document for a later meeting.

Board consensus was to hold the item until the end of the regular meeting.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Final Plat 03075, Wyndam Place 1st Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of two lots on property generally located at North 176th and Holdrege Streets (Knotting Drive and North 179th Street) in Lancaster County, Nebraska. (R-04-0019)

This item was moved forward on the agenda.

B. A resolution in the matter of adopting the 2004 Lancaster County Tax-Sheltered Transportation Plan. (R-04-0018)

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0018 in the matter of adopting the 2004 Lancaster County Tax-Sheltered Transportation Plan. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

C. An agreement with Cindi Card and Ken Ostermeier, independent agents representing American Family Life Assurance Company of Columbus (AFLAC), for County employees with access to supplemental insurance products for employees to purchase at their own cost. Term of the agreement is from March 1, 2004 through February 28, 2005 and includes a 30 day termination provision. (C-04-0060)

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of an agreement with Cindi Card and Ken Ostermeier, independent agents representing American Family Life Assurance Company of Columbus (AFLAC), for County employees with access to supplemental insurance products for employees to purchase at their own cost. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

D. A contract with Cornerstone Printing and Imaging for annual requirements for quick copy services for Lancaster County. Term of the contract is March 1, 2004 through February 28, 2005, with three additional one year periods with mutual consent. (The Request for Proposal was awarded by the County Board on February 10, 2004.) (C-04-0062)

MOTION: Schorr moved and Hudkins seconded approval of a contract with Cornerstone Printing and Imaging for annual requirements for quick copy services for Lancaster County. Term of the contract is March 1, 2004 through February 28, 2005, with three additional one year periods with mutual consent. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

E. A contract with Goldenrod Printing, Inc. for annual requirements for offset printing services for Lancaster County. Term of the contract is March 1, 2004 through February 28, 2005, with three additional one year periods with mutual consent. (The Request for Proposal was awarded by the County Board on February 10, 2004.) (C-04-0063)

MOTION: Hudkins moved and Heier seconded approval of a contract with Goldenrod Printing, Inc. for annual requirements for offset printing services for Lancaster County. Term of the contract is March 1, 2004 through February 28, 2005, with three additional one year periods with mutual consent. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

F. An amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-03-0610, for providing professional services in the area of Youth Advocacy Program to youth involved in the system of care. Family Services will now provide an additional employee to act as an Evaluation/Quality Assurance Administrator and, as a result, the parties wish to amend the compensation from \$32,730 to \$61,270. (C-04-0061)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of an amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-03-0610, for providing professional services in the area of Youth Advocacy Program to youth involved in the system of care. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

G. An amendment to a contract with Nationwide Life Insurance Company regarding the Lancaster County Employee Pension Plan GA-P B2 MU04. (C-04-0082)

This item was held at the request of Kerry Eagan, Chief Administrative Officer.

H. An amendment to a contract with Nationwide Life Insurance Company regarding the 457 Deferred Compensation Program GA-P B2 MU18. (C-04-0083)

This item was held at the request of Kerry Eagan, Chief Administrative Officer.

I. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Murphy Tractor and Equipment Company, Inc., in the amount of \$303,800, for the purchase of two motor graders, including trade-in allowance, V-plow equipment and mounting. In addition to the cost of the equipment, it is recommended that the County Board approve the service guarantee stating the seller will pay for all costs of parts and labor in excess of \$4,800 per unit during the next seven years and the guaranteed repurchase of \$80,000 per motor grader after seven years. (B-04-0008)

MOTION: Heier moved and Hudkins seconded approval to award a bid to Murphy Tractor and Equipment Company, Inc., in the amount of \$303,800, for the purchase of two motor graders, including trade-in allowance, V-plow equipment and mounting. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

J. Recommendation from the Purchasing Agent and the Emergency Management Director/Radio Maintenance Department to award an order from the City of Lincoln's Executive Order #69372 (Bid #04-004) to Portable Computer Systems, for computers and related accessories for first responders. This will be an award of \$68,629 using grant funds secured by the Emergency Management Director. (B-04-0009)

MOTION: Heier moved and Schorr seconded approval to award an order from the City of Lincoln's Executive Order #69372 (Bid #04-004) to Portable Computer Systems, for computers and related accessories for first responders. This will be an award of \$68,629 using grant funds secured by the Emergency Management Director. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

K. Authorization of Roper & Sons, Inc. to bury the unclaimed body of Frederick Scott and to recover the expense of burial from the Estate of Frederick Scott.

MOTION: Workman moved and Hudkins seconded to authorize Roper & Sons, Inc. to bury the unclaimed body of Frederick Scott and to recover the expense of burial from the Estate of Frederick Scott. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

L. Lancaster County Board of Commissioners Committee Assignments for 2004.

MOTION: Hudkins moved and Heier seconded approval of the Lancaster County Board of Commissioners Committee Assignments for 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

M. Appointment of the following to the Lincoln-Lancaster Women's Commission:

- ▶ **Jeannine Falter**, to a two year term expiring January 1, 2006. (Replaces Helen Fagan.)
- ▶ **Bethina Moore**, to a two year term expiring January 1, 2006. (Replaces Mary Beck.)
- ▶ **Barbara A. Ramsey**, to fulfill the remainder of a two year term expiring January 1, 2005. (Replaces Venita Kelley.)

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Schorr seconded approval of the appointment of Jeannine Falter, Bethina Moore and Barbara A. Ramsey to the Lincoln-Lancaster Women's Commission. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

N. Request from Kit Boesch, Human Services Administrator, for approval to submit a Family Drug Court Implementation Grant. Due dates for the grant are February 24, 2004 (on-line registration) and February 27, 2004 (on-line application).

MOTION: Hudkins moved and Schorr seconded approval of a request from Kit Boesch, Human Services Administrator, for approval to submit a Family Drug Court Implementation Grant. Due dates for the grant are February 24, 2004 (on-line registration) and February 27, 2004 (on-line application). Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. A temporary easement between the Lancaster County Engineering Department and the City of Lincoln relating to the Salt Valley Trunk Sewer Project. The City will pay the County \$3,686 for the temporary easement. (C-04-0064)

B. An option contract for borrow of road material, in the amount of \$20, between the Lancaster County Engineering Department and Glen L. and Nancy A. Muehlhausen relating to road construction; Project C55-C-406(1), North 1st Street. (C-04-0069)

C. A leasehold contract relating to road improvements between the Lancaster County Engineering Department and Randy Warner, at 10800 Branched Oak, in the amount of \$10; Project Bridge A-10. (C-04-0068)

7) CONSENT ITEMS CONTINUED:

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ **Geoffrey A. and Lynne Coleman**, in the amount of \$300, on Southwest 126th Street north of West Rokeby Road; Project C.P.-N-178. (C-04-0065)
- ▶ **Edna R. Bell**, in the amount of \$217, on North 176th Street north of Waverly Road; Project C.P.H-81. (C-04-0066)
- ▶ **Roger F. and Velma M. Pearson**, in the amount of \$101.80, on Bennet Road east of South 110th Street; Project C.P.-R-130. (C-04-0067)
- ▶ **Roberta S. Pfister Estate**, in the amount of \$170.20, at North 170th Street and Alvo Road; Project C.P.H-79. (C-04-0070)
- ▶ **Isabell L. Ringland**, in the amount of \$61.50, at 12801 Wittstruck Road; Project C.P.R-168. (C-04-0071)
- ▶ **Wendell M. Ringland**, in the amount of \$510, at 12801 Wittstruck Road; Project C.P.R-168. (C-04-0072)
- ▶ **Robert R. and Carl A. Fiedler** at Northwest 140th Street on West Superior Street; Project C.P.-M-78. This is a donation. (C-04-0073)
- ▶ **Leon D. Lostroh**, in the total amount of \$769.40, at Northwest 140th Street on West Superior Street; Project C.P.-M-78. (2 contracts) (C-04-0074 and C-04-0075)
- ▶ **Allen G. and Sharon K. Griess**, in the total amount of \$13,524.50, on Rokeby Road from South 56th to South 70th Streets; Project C55-P-427(1). (2 contracts) (C-04-0076 and C-04-0077)
- ▶ **Gerald C. and Joan M. Ogren**, in the total amount of \$580, on Rokeby Road from South 56th to South 70th Streets; Project C55-P-427(1). (2 contracts) (C-04-0078 and C-04-0079)
- ▶ **Roger D. and Jo Anne Pettigrew**, in the total amount of \$584.50, at 11601 Raymond Road; Project Bridge A-8. (2 contracts) (C-04-0080 and C-04-0081)

MOTION: Hudkins moved and Workman seconded approval of the Consent Items. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

RETURNING TO PUBLIC HEARING ITEM 5B - COUNTY SPECIAL PERMIT 205:

FRIENDLY AMENDMENT: Schorr suggested that the number of races days specified in Item 1c of Exhibit 2 be reduced from eight race days per year to four race days per year.

Both the maker of the motion and the seconder agreed to the friendly amendment.

RETURNING TO PUBLIC HEARING ITEM 5B - COUNTY SPECIAL PERMIT 205:

CLARIFICATION OF MOTION: Approve County Special Permit 205 for a one-year period with the conditions as outlined in Proposed New Condition No. 1 (Exhibit 2) and to include a sunset provision stating that the permit ends on February 24, 2005.

Workman added that he would also like to incorporate into the motion Conditions 2 and 3 as recommended by the Planning staff.

CLARIFICATION OF MOTION: Approve County Special Permit 205 for a one-year period with the conditions as outlined in Proposed New Condition No. 1 as submitted by the applicant's attorney (Exhibit 2), to incorporate Conditions 2 and 3 as recommended by the Planning staff, to reduce the number of race days per year from eight days to four days and to include a sunset provision stating permit ends on February 24, 2005.

Discussion followed regarding the motion.

Workman withdrew his motion.

The seconder did not withdraw his second.

AMENDMENT TO THE MOTION: Schorr moved and Hudkins seconded to amend the motion to remove the sunset clause and include that the County Board will conduct a review at the end of one year. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

AMENDMENT TO MOTION: Hudkins moved and Stevens seconded to amend the original motion to direct the County Attorney's Office to prepare a resolution to include: Proposed New Condition No. 1, inclusion of Conditions 2 and 3 as recommended by the Planning staff and to include that the County Board will review the special permit at the end of one year.

Hudkins stated the amendment was with the understanding that the resolution would be placed on the March 9th Board of Commissioners agenda.

Schorr indicated she would be interested in specifying the type of mufflers used on the motorcycles, no music, no AMA race and a single holiday.

ROLL CALL: Hudkins, Schorr, Workman and Stevens voted aye. Heier voted no. Motion carried.

RETURNING TO PUBLIC HEARING ITEM 5B - COUNTY SPECIAL PERMIT 205:

CLARIFICATION OF MOTION: Direct the County Attorney's Office to prepare a resolution permitting County Special Permit 205 to include the following: Proposed New Condition No. 1, Conditions 2 and 3 as recommended by the Planning staff, a review by the County Board to be conducted one year from the adoption of the resolution and that Item 1c in the Proposed New Condition No. 1 be changed from no more than eight race days per calendar year to no more than four race days per calendar year.

ROLL CALL: Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 9:20 p.m.. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk